

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)

NO. CR 2013-02350

Joshua A. Wilson)
Bremerton, Washington,)
Licensee.)
_____)

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Joshua A. Wilson license number 68-31185, authorizing Card Room Employee activity at All Star Casino in Silverdale. The license expires on April 26, 2014, and was issued subject to Mr. Wilson's compliance with state gambling laws and rules.

II.

David Trujillo, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

SUMMARY

Mr. Wilson has demonstrated willful disregard for complying with court orders, resulting in six Failures to Appear and over \$4,331.70 in court-related fines in collections for nonpayment, and poses a threat to the effective regulation of gambling, creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

FACTS:

- 1) On April 17, 2013, a Gambling Commission Special Agent (agent) was assigned to Mr. Wilson's file for a routine, annual criminal history check. The Judicial Information System (JIS)¹ record for Mr. Wilson showed he has six instances of Failure to Appear (FTA) on his record and numerous fines owed to collections. As of May 1, 2013, Mr. Wilson also had four bench warrants.
- 2) The following is a breakdown of Mr. Wilson's history listed from the date of violation, the charge, and the dollar amount owed in collections, if any:

¹ JIS is run by the Washington State Court System to keep record of court actions occurring in Municipal, District, and Superior Courts.

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|--|---------------|
| a. 04/26/2013, Driving While License Suspended, 3 rd Degree | \$ 0.00; |
| b. 04/26/2013, Speeding 19 MPH Over | \$ 0.00; |
| c. 10/07/2009, Driving While License Suspended, 3 rd Degree | \$ 995.00; |
| d. 10/07/2009, Failure to Renew Registration and Operate Motor Vehicle without Insurance | \$818.00; |
| e. 09/26/2009, Driving While License Suspended, 3 rd Degree | \$750.00; |
| f. 05/18/2009, No Driver's License on Person | \$124.00; |
| g. 05/18/2009, Failure to Renew Registration | \$176.00; |
| h. 01/04/2009, No Insurance | \$602.00; |
| i. 11/10/2007, Assault 4 th Degree, Domestic Violence | \$798.00; and |
| j. 01/16/2007, Possession of Marijuana | \$500.00. |
- 3) On July 3, 2008, Mr. Wilson made one \$50 payment towards his Assault 4th Degree, Domestic Violence case.
 - 4) On April 17, 2013, the agent sent Mr. Wilson and his employer, All Star Casino, a letter informing them of the accumulated court-related debt.
 - 5) The letter continued to advise that the agent had concerns regarding a pattern of criminal history, a pattern of failure to comply with court ordered fines, and the cumulative dollar amount of the unpaid fines: \$4,563 at the time of the letter. The agent expressed concern that this financial pressure may make him a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods, or activities of the gaming activity.
 - 6) Following the April 17th letter, Mr. Wilson quashed the four bench warrants.
 - 7) On June 5, 2013, the Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to Mr. Wilson in connection with his owing \$4,763 in court-ordered fines and fees sent to collections. The charges were amended on June 7, 2013, to reflect that Mr. Wilson had quashed the four bench warrants.
 - 8) On July 5, 2013, Mr. Wilson requested a hearing. On November 6, 2013, an Administrative hearing was held; however, Mr. Wilson did not appear. On December 3, 2013, the Administrative Law Judge issued an Initial Order Dismissing Appeal as Untimely and Alternative Default Order. The Order dismissed the appeal as untimely and found that Office of Administrative Hearings had no jurisdiction to entertain the appeal. Alternatively, the Order found Joshua Wilson in default.²

² After receiving the Administrative Law Judge's Initial Order, Commission staff reviewed the file. The original and the Amended Charges sent to Mr. Wilson were both returned to Commission staff because of an incorrect address. Staff reissued the Amended Charges to Mr. Wilson on June 14, 2013, after receiving a correct address from his employer. Based on the timing of the reissued Amended Charges, Mr. Wilson's Request for Hearing (July 5, 2013) was timely received.

- 9) Commission staff has issued these charges because Mr. Wilson continues to demonstrate willful disregard for complying with court orders and still has approximately \$4,331.70 in court-ordered fines and fees outstanding.
- 10) Since the November 6, 2013 hearing, Mr. Wilson has made the following payments towards his 2009 Failure to Renew Expired Registration and No Insurance:
- 11/12/2013- \$100.93
 - 11/19/2013- \$177.23
 - 12/02/2013- \$153.14

A total of \$818.00 in fines and fees were imposed by the court for the Failure to Renew Expired Registration and No Insurance, and the remaining balance for this case is \$386.70. All other open cases listed in paragraph 2 above have the same balance.

11) Eight of Mr. Wilson's court cases remain open due to outstanding obligations. He still has six FTAs since 2007, and poses a threat to the effective regulation of gambling, creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

VIOLATIONS:

1) RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities; or
- (d) Habit.

In the last seven years, Mr. Wilson has made only four payments towards his court-ordered fines and fees for his eight open cases. Mr. Wilson has demonstrated willful disregard for complying with court orders, and continues to have six FTAs and over \$4,331.70 in court-related fines in collections for nonpayment. Therefore, under RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Joshua A. Wilson's license.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

IV.

I have read this Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.

Dated January 15, 2014



DAVID TRUJILLO, DIRECTOR

STATE OF WASHINGTON)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 16 day of January, 2014.